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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,864	07/06/2000	KAZUHIKO TAKAHATA	2000-0956A	4446

7590 06/04/2003

WENDEROTH LIND PONACK  
2033 K STREET NW  
SUITE 800  
WASHINGTON, DC 20006

EXAMINER
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AKKAPEDDI, PRASAD R

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/582,864

Applicant(s)

TAKAHATA ET AL.

Examiner

Prasad R Akkapeddi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 27-52 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I: claim(s) 27-44, drawn to a touch-input type liquid crystal display device, classified in class 349, subclass 012.

Group II: claims 45-52, drawn to a method of fabricating a touch-input type liquid crystal display device, classified in class 349, subclass 187.

2. The inventions are distinct, each from the other because:

3. Group II and Group I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the optically transparent conductive film can also be made by an alternate process from the method recited in the instant application. The alternate process is disclosed by Kon et al. (Kon) (U.S. Patent No. 6,136,444). Kon discloses that the optically transparent conductive film comprises a silicon oxide gas barrier layer, an organo-silicon compound containing solvent resistant layer and a

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transparent conductive layer laminated in that order on one side of a transparent plastic substrate.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

6. Group I contain claims directed to the following patentably distinct species of the claimed invention: The species are as follows:

A: claims 28-30 and 39 drawn to a touch input type LCD device according to Fig. 1, where the specifics being that the stationary electrode portion is disposed on an upper surface of the lower optical phase difference film.

B: claims 31-33 drawn to a touch input type LCD device according to Fig. 6, where the specifics being that the stationary electrode portion is formed directly on the glass substrate having optical isotropy.

C: claims 34-36 drawn to a touch input type LCD device according to Fig. 7, where the specifics being that the stationary electrode portion is formed directly on the optically isotropic film.

D: claims 37-38 drawn to a touch input type LCD device according to Fig. 9, where the specifics being that the LCD device comprises a transparent resin

plate disposed between the optically isotropic film and the lower optical phase difference film.

E: claims 40-44 drawn to a touch input type LCD device according to Figs. 11-12, where the specifics being that the LCD device comprises various other elements such as a transparent adhesive layer, a low reflection layer, antifouling layer and a hard coat layer.

If Group I is elected, Applicant is required under 35 U.S.C 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently claim 27 is generic in this group.

7. Group II contains claims directed to the following patentably distinct species of the claimed invention: The species are as follows:

A: claims 45-50 drawn to a method of fabricating a touch input type LCD device according to Fig. 1, where the specifics being that the stationary electrode portion is formed on an upper surface of the lower optical phase difference film.

B: claim 51 drawn to a method of fabricating a touch input type LCD device according to Fig. 6, where the specifics being that the stationary electrode portion is formed directly on the glass substrate having optical isotropy.

C: claim 52 drawn to a method of fabricating a touch input type LCD device according to Fig. 7, where the specifics being that the stationary electrode portion is formed directly on the optically isotropic film.

. If Group II is elected, Applicant is required under 35 U.S.C 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently none of the claims is generic in this group.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The following claim(s) are generic: 27.

8. The Groups I and II and species listed under each Group above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

9. The generic feature in claim 27 i.e., the touch-input type liquid crystal display device is known in the prior art as anticipated by Yasunori Yukio et al. (herein after called Yasunori) (JP 10-048625).

Yasunori discloses a touch panel for liquid crystal display comprising a  $\frac{1}{4}$  waveplate (4) (optical phase film), two pieces of transparent conductive films (2) opposite to each other through a spacer (3), a second  $\frac{1}{4}$  wave plate (5) and a polarizing plate successively formed on a liquid crystal display (7) side. The conductive films becomes electrodes for the touch panel. Yasunori also discloses alternate configurations of the above elements and the various polarization angles and the angles formed between the optical phase film and the polarizer.

10. Since the technical features of the generic claim 27 are common as evidenced by the above -mentioned citation by Yasunori, there is no "common special technical feature" between the claimed Groups or species.

11. Because these inventions are distinct for the reasons given above, restriction for examination purposes as indicated is proper.

12. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prasad R Akkapeddi whose telephone number is 703-305-4767. The examiner can normally be reached on 7:00AM to 5:30PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H Kim can be reached on 703-305-3492. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.



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May 22, 2003



ROBERT H. KIM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800